

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Structure and Practice of the Video Relay Service Program	)	CG Docket No. 10-51
	)	
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	)	CG Docket No. 03-123
	)	

**COMMENTS OF CONSUMER GROUPS**  
**IN RESPONSE TO THE PETITION FOR RECONSIDERATION OF THE REPORT**  
**AND ORDER AND ORDER, FCC 17-86, ON BEHALF OF THE INTERSTATE**  
**TELECOMMUNICATIONS RELAY SERVICE ADVISORY COUNCIL**

Telecommunications for the Deaf and Hard of Hearing, Inc., National Association of the Deaf, Cerebral Palsy and Deaf Organization, Association of Late-Deafened Adults, Inc., and Bryen M. Yunashko - DeafBlind Consumer Advocate (collectively “Consumer Groups”) submit these comments in response to the Petition for Reconsideration (“Petition”) filed by Rolka Loube Associates LLC, on behalf of the Interstate TRS Advisory Council (“TRS Advisory Council”),<sup>1</sup> concerning the Federal Communications Commission’s (“FCC” or “Commission”) Report and Order and Order released July 6, 2017.<sup>2</sup> Consumer Groups support TRS Advisory Council’s calls to provide additional compensation to TRS providers for a trial of skills-based routing and to

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<sup>1</sup> The National Association of the Deaf, a signatory on these Comments, has a representative on the TRS Advisory Council.

<sup>2</sup> *Structure and Practices of the Video Relay Service Program, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51, 03-123, Report and Order and Order, 32 FCC Rcd. 5891 (2017).

commence the trial “as quickly as possible.”<sup>3</sup> Consumer Groups urge the Commission to set the deadline for commencement not later than three months following the Commission’s order granting the Petition.

**A. VRS PROVIDERS SHOULD BE COMPENSATED ADEQUATELY FOR THE SKILLS-BASED ROUTING TRIAL**

Consumer Groups agree with the TRS Advisory Council that additional compensation for providers participating in the skills-based routing trial is warranted and supports the compensation proposed in the Petition.<sup>4</sup> The Commission’s VRS Order stated that without knowing the extent of any additional costs associated with participation in the trial, “any added costs incurred to provide skills-based routing during the trial period will not be billable to the TRS Fund.”<sup>5</sup> As the TRS Advisory Council noted, “not one provider indicated their willingness to participate in the [skills-based routing] trial.”<sup>6</sup> The lack of funding for the skills-based routing trial combined with the fact that the VRS compensation rates for the 2017 fiscal year had not been released by the June 1, 2017 trial participation notice deadline resulted in the unfortunate consequence of no providers participating in this crucial trial.

Skills-based routing in VRS would allow consumers to attain more effective communication and would be more aligned with community interpreting standards and codes of conduct. Agencies regularly assign interpreters to jobs in the community based on their skills and

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<sup>3</sup> *Structure and Practices of the Video Relay Service Program, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51, 03-123, TRS Advisory Council Petition for Reconsideration, at 8 (filed Sept. 21, 2017) (“Petition”).

<sup>4</sup> Petition at 6-8.

<sup>5</sup> *See Structure and Practices of the Video Relay Service Program, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51, 03-123, Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order, 32 FCC Rcd. 2436, 2440, ¶ 9 (2017).

<sup>6</sup> Petition at 5.

experience, and VRS should provide the same option to ensure interpreters might be matched to callers and their calls based on the skills and experiences of these interpreters.<sup>7</sup>

Consumer Groups have previously raised concerns about “whether the Commission’s allowable costs are sufficient to maintain interest from providers to participate at all and consistent with providers’ costs to enable the provision of functionally equivalent VRS services that evolve and keep up with technological innovation.”<sup>8</sup> While Consumer Groups applaud the Commission for adopting rules to permit the skills-based routing trial, because providers did not elect to participate, consumers are still waiting for a system that would better match VRS Interpreters’ skills and expertise to callers’ communications and subject area needs.

Consumer Groups consistently have advocated for adequate compensation to all VRS providers for their services.<sup>9</sup> VRS providers are dependent on reimbursement rates that cover the entirety of their legitimate costs; without such, they will be incapable of maintaining an adequate quality of service and, at worst, may cease providing VRS altogether. Reimbursement decisions must be flexible enough to also allow reimbursement for expenses generated in developing and delivering continuously higher quality VRS service, while still ensuring expenses are relevant and ensure the financial stability of the TRS program.

The compensation proposal set forth in the Petition, compensating all providers at the emergent rate of \$5.29 per skills-based conversation minute, segregated from regular

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<sup>7</sup> *Structure and Practices of the Video Relay Service Program, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51, 03-123, Ex Parte Letter of TDI, NAD and RID (filed Sept. 30, 2015).

<sup>8</sup> Comments of Consumer Groups on Further Notice of Proposed Rulemaking, at 2 (filed April 24, 2017) (“*Consumer Groups April 2017 Comments*”).

<sup>9</sup> See e.g., *Structure and Practices of the Video Relay Service Program, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51, 03-123, Comments of Consumer Groups (filed Dec. 9, 2015), Consumer Groups and Registry of Interpreters for the Deaf Comments on Provider Compensation Rates, Funding Requirement, and Carrier Contribution for the Period from July 1, 2015 through June 30, 2016 (filed June 4, 2015), *Consumer Groups April 2017 Comments*.

conversation minutes, for the duration of the trial is reasonable. The provider cost data collected during the skills-based routing trial could inform the Commission's decision regarding a more permanent compensation structure following completion of the trial.

**B. THE SKILLS-BASED ROUTING TRIAL SHOULD COMMENCE NO LATER THAN THREE MONTHS FOLLOWING RELEASE OF THE ORDER APPROVING THIS PETITION**

The Consumer Groups agree that with the TRS Advisory Council that the Commission should “establish new abbreviated deadlines for the providers to notify the Commission of their intention to participate in the trial, and to commence the trial as quickly as possible.”<sup>10</sup> Consumer Groups urge the Commission to make every effort to commence the trial no later than three months following release of the Order granting the Petition, to avoid any further delay in the creation of a skills-based routing system that would allow consumers to attain more effective communication and to further the Commission's goals of improving the quality and efficiency of video relay service.

**C. CONCLUSION**

A skills-based routing trial has been the subject of discussion for a number of years.<sup>11</sup> The Consumer Groups urge the Commission to adopt the recommendations in the TRS Advisory Council's Petition, as further discussed herein, so that skills-based routing in VRS can be implemented.

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<sup>10</sup> Petition at 8.

<sup>11</sup> See *Structure and Practices of the Video Relay Service Program, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51, 03-123, [Consumer Groups] Comments to Further Notice of Proposed Rulemaking at 8-9 (filed March 9, 2012); Joint Proposal of All Six VRS Providers for Improving Functional Equivalence and Stabilizing Rates, CG Docket Nos. 10-51, 03-123 (filed March 30, 2015).

Respectfully submitted,

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